

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 6, 2009

D053976 People v. Moran

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D052992 In re Marriage of Sheehy

Affirmed. Irion, J.; We Concur: Benke, Acting P.J., Haller, J.

D051591 Mancinelli v. Siewak et al.

The order is affirmed. Barlow is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D053561 In re Ricardo M., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., Aaron, J.

D054848 Gruen v. Superior Court of San Diego County/Gruen

The petition is denied.

D054755 Pacific Specialty v. Superior Court of San Diego County/Moore et al.

The petition is denied.

D054584 Elasali v. Gallinger

The court has received and considered appellant's letter dated April 2, 2009 arguing the appeal should not be dismissed because the trial judge is disqualified. Disqualification of judges is governed by Code of Civil Procedure section 170 et seq., and the determination of the question of disqualification may be reviewed only by a writ of mandate (Code Civ. Proc., § 170.3, subd. (d)). The matter having been considered by Presiding Justice McConnell and Associate Justices O'Rourke and McDonald, the appeal is dismissed on the ground it is from a nonappealable order.

D054554 Arthur M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 7, 2009

D054652 In re DePew on Habeas Corpus

The petition is denied.

D054792 In re Olson on Habeas Corpus

The petition for writ of supersedeas and response have been read and considered by Justices Nares, McIntyre and Aaron. The petition is denied. The stay issued March 25, 2009 is vacated.

D052530 People v. League

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D051154 Loerch v. Regents of the University of California

The judgment is affirmed. Costs on appeal are awarded to the Regents. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D052502 In re Marriage of Corona

The appeal is dismissed as to the family court's order confirming the arbitration award. The orders as to Richard's share of Claire's 2005 federal and state income tax obligation and imposing \$5,000 in sanctions are affirmed. Claire shall recover her costs on appeal. CERTIFIED FOR PUBLICATION. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D053963 In re Watson on Habeas Corpus

The petition for writ of habeas corpus has been read and considered by Justices Benke, McDonald and O'Rourke. The petition is denied without prejudice to refile in the trial court for reconsideration of petitioner's claim of sentencing error under *Apprendi v. New Jersey* (2000) 530 U.S. 466 and *Cunningham v. California* (2007) 549 U.S. 270. (See *In re Gomez* (2009) 45 Cal.4th 650; *Butler v. Curry* (2008) 528 F.3d 624.)

D052674 People v. Owsley

The judgment is affirmed. Haller, J.; I Concur: Benke, Acting P.J.; I Concur in the Result: Huffman, J.

D053188 People v. Perez

Perez's vandalism conviction is affirmed. His conviction for second degree burglary is reversed and the matter is remanded for resentencing. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

D053287 In re H. B., a Juvenile

The order of wardship is affirmed. Irion, J.: We Concur: McIntyre, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 7, 2009 (Continued)

D054839 Prevatt v. Superior Court of San Diego County/People

The petition is denied.

D054469 Pointe San Diego Residential Community et al. v. Superior Court of San Diego County/ Procopio Cory Hargreaves & Savitch et al.

The petition is denied.

D053861 In re I. R., a Juvenile

The judgments are affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D054096 In re Sebastian L., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

D054428 In re J. C., a Juvenile

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D051768 Whitty v. Stone

The petition for rehearing is denied.

D054626 Dennis G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The Court is in receipt of petitioner Dennis G.'s letter to his attorney, dated March 30, 2009, stating he does not wish to pursue this matter. Additionally, the time for filing a petition has expired and no petition has been filed. Petitioner's notice of intent is deemed to be abandoned. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 8, 2009

D054099 In re J. W., a Juvenile

The appeal is dismissed. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

D050303 Sukumar v. Sukumar/Lee

The judgments are affirmed. The parties shall bear their own costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

D053349 Sanders v. Narcotics Anonymous World Services, Inc.

The petition for rehearing is denied.

D054363 In re L. M., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

D052977 People v. Guerrero

The judgment of the trial court is affirmed. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D054091 In re Wyatt N., a Juvenile

The order is affirmed. Aaron, J.; We Concur: McConnell, P.J., Nares, J.

D051554 Larson v. Casual Male Stores, LLC

D052185 Larson v. Casual Male Stores, LLC

The judgment for Larson and the class is reversed. Additionally, the court's denial of Casual Male's summary judgment motion is reversed and the matter is remanded to the trial court for its issuance of a new order granting the motion, and its entry of summary judgment for Casual Male. The postjudgment order on attorney fees is reversed. Casual Male is awarded costs on appeal. McConnell, P.J.; I concur: Huffman, J.; Concurring and Dissenting: Aaron, J.

D052909 People v. Murillo

The judgment is reversed and the matter remanded for resentencing in accordance herewith. McIntyre, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D052986 People v. Wilson

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Irion, J.

D051679 Pickering v. Coast Center For Orthopedic Arthroscopic Surgery & Treatment

The judgment is affirmed. Pickering is awarded his costs of appeal. McIntyre, J.; I concur: Huffman, Acting P.J.; I concur and dissent: Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 8, 2009 (Continued)

D054379 Stanley v. Corona et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D052192 People v. O'Shell

D052648 In re O'Shell on HabeasCorpus

The pending petition for writ of habeas corpus, In re David O'Shell, D052648, is consolidated with the pending appeal in People v. O'Shell, D052192, for disposition.

D052192 People v. O'Shell

D052648 In re O'Shell on HabeasCorpus

(consolidated) Judgment is affirmed. Petition is denied. CERTIFIED FOR PARTIAL PUBLICATION. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D054795 In re McBreairty on Habeas Corpus

The petition is denied.

D054871 Sommer v. The Superior Court of San Diego County/People

The petition is denied.

D052357 Conlon v. Teters et al.

The judgment is affirmed. Teters shall recover her costs on appeal. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D053018 Donnelly v. Negrete

Judicial notice is granted and the orders are affirmed. No sanctions are awarded. The ordinary costs on appeal are awarded to Respondent. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D053459 Bailon v. Ortega et al.

Appellant Bailon has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed. The briefing sequence order filed on 9/19/08 is vacated. The appeal shall proceed pursuant to California Rules of Court. Appellants Ortegas' opening brief is due 30 days from the date of this order.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 9, 2009

D052972 In Conservatorship of the Person and Estate of Becerra

The orders are affirmed. The ordinary costs are awarded to respondent. Huffman, Acting P.J.;
We Concur: Nares, J., Aaron, J.

D052417 In re Ali H., a Juvenile

The judgment is reversed. McDonald, J.; I Concur: McIntyre, J.; I Dissent: Nares, Acting P.J.

D052640 Palmer v. Bahriny

This court's order of April 7, 2009 is vacated. The application for Stipulated Reversal is denied. Pursuant to the stipulation reached by the parties during settlement proceedings conducted by Justice McIntyre on September 15, 2008, "If the stipulated reversal is not approved, then the appeal will be dismissed and the satisfaction of judgment filed in the trial court." The appeal is accordingly dismissed. Pursuant to the parties' stipulation filed on March 30, 2009, the remittitur is ordered to issue immediately and both parties shall bear their own costs.

D053275 Palmer v. Bahriny

This court's order of April 7, 2009 is vacated. The application for Stipulated Reversal is denied. Pursuant to the stipulation reached by the parties during settlement proceedings conducted by Justice McIntyre on September 15, 2008, "If the stipulated reversal is not approved, then the appeal will be dismissed and the satisfaction of judgment filed in the trial court." The appeal is accordingly dismissed. Pursuant to the parties' stipulation filed on March 30, 2009, the remittitur is ordered to issue immediately and both parties shall bear their own costs.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
April 10, 2009

D054533 Martin v. American General Financial Services

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

D054836 Anaheim GW II, LLC v. Superior Court of San Diego County/YP Central et al.

The petition for writ of mandate and request for stay have been read and considered by Justices Benke, McDonald and O'Rourke. The petition is denied.

D051926 Van Dorn v. Van Dorn

The order appealed from is affirmed. The parties shall bear their own costs on appeal. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.